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DATE FILED: July 16, 2013

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNESTO TAYPE-MIRANDA,
Plaintiff,

v.

CAPTAIN CRUZ BADGE #927, G.R.V.C &
UNKNOWN CORR. OFFICER WHO
CONDUCTED TSO SEARCH OF
PLAINTIFF'S CELL, THE CITY OF NEW
YORK, and NEW YORK CITY
DEPARTMENT OF CORR., ET AL.,
Defendants.

10 Civ. 7770 (PAC) (KNF)

ORDER ADOPTING R&R

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiff Ernesto Taype-Miranda, proceeding *pro se*, initiated the instant action on October 8, 2010. The case was referred to Magistrate Judge Kevin Nathaniel Fox on October 20, 2010. As set out in Magistrate Judge Fox's Report and Recommendation ("R&R") and Order of April 11, 2013, Plaintiff was repeatedly ordered to effectuate proper service on Defendants but failed to do so. The April 11, 2013 Order also instructed Plaintiff to "show cause why the amended complaint should not be dismissed" for Plaintiff's failure to submit proof of service by April 25, 2013. Plaintiff failed to comply, and, accordingly, Magistrate Judge Fox issued the R&R on May 8, 2013, recommending that the amended complaint be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m). Plaintiff has not filed any objections to the R&R. Having reviewed the R&R for clear error, see Wilds v. UPS, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 1991), and finding none, it is hereby adopted in its entirety. Pursuant to § 28 U.S.C. 1915(a), I find that any appeal from this order would not be taken in good faith. Accordingly, the amended complaint is dismissed, without prejudice. The Clerk of Court is directed to enter judgment and close this case.

Dated: New York, New York
July 16, 2013

SO ORDERED



PAUL A. CROTTY
United States District Judge

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